

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of: | : | |
| Frampton E. Ellis, III | : | Group Art Unit: |
| | : | Not Yet Known |
| | : | |
| Application No.: | : | |
| Unknown | : | |
| Divisional of U.S. Application No. 09/974,786 | : | Examiner: |
| | : | Not Yet Assigned |
| Filed: Herewith | : | |
| | : | Attorney Docket No.: |
| | : | ANAT-3USDIV12 |
| For: Shoe Sole Structures | : | |

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §1.56 and 1.97(b)(1), Applicants bring to the attention of the Examiner the documents listed on the attached Substitute Form PTO 1449. These documents are listed on the attached Substitute Form PTO 1449. No fee is believed to be due in connection with this filing since this Information Disclosure Statement is being filed prior to issuance of a first Office Action.

However, if any fee is due, the Commissioner is authorized to charge Deposit Account No. 50-0462. Moreover, please credit any overpayment to Deposit Account No. 50-0462.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

Date: 22 October 2003

I hereby certify that this paper, along with any document or paper referred to as being attached or enclosed, is being sent in a pre-paid envelope first class mail to the Commissioner for Patents, Washington, D.C. 20231

Carla P. McGuffie
Name of person sending correspondence

Carla P. McGuffie
Signature of person sending correspondence

The references cited on the attached Substitute PTO 1449 were previously cited in the parent application (U.S. Patent Application No. 09/974,786). Copies of the references can be found in the parent application.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Substitute PTO 1449 form.

This submission does not represent that a search has been made (37 C.F.R. §1.97(g)) or that no better art exists and does not constitute an admission that each or all of the listed documents are material (37 C.F.R. §1.97(h)) or constitute "prior art". The filing of this information disclosure statement shall not be construed as an admission against interest in any matter. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

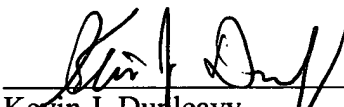
If the Examiner applies any document as prior art against any claims in the application and Applicant determined that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should one the document be applied against the claims of the present application.

Respectfully submitted,

Date: 10/22/2003

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| FORM PTO-1449 Modified List of Patents and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office | Sheet 1 of 1 | |
| | Docket No. ANAT-1USCON4 | Serial No. 09/648,792 |
| | Applicant Frampton E. Ellis III | |
| | Filing Date August 28, 2000 | Group 3728 |

| U.S. Patent Documents | | | | | | |
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| Examiner Initial | | Document No. | Date | Name | Class | Subclass |
| | AA | 119,894 | 10/10/1871 | D. M. Smyth | | |
| | AB | 4,237,627 | 12/9/1980 | Turner | | |
| | AC | 4,364,188 | 12/21/1982 | Turner et al. | | |
| | AD | 4,435,910 | 3/13/1984 | Marc | | |
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| | AF | 4,722,677 | 2/2/1988 | Rebers | | |
| | AG | 4,918,841 | 4/24/1990 | Turner et al. | | |
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| Examiner Initial | | Document No. | Date | Country | Translation YES NO | |
| | AK | EP0207063 | 10/6/1986 | Europe | X Abstract only | |
| | AL | 1,504,615 | 3/22/1978 | UK | | |
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| | Docket No. ANAT-3USDIV10 | Serial No. 09/974,786 |
| | Applicant Frampton E. Ellis III | |
| | Filing Date Oct. 12, 2001 | Group 3728 |

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| | AA | 4,237,627 | 12/9/1980 | Turner | 36/129 | 36/3 |
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| | Docket No. ANAT-3USDIV10 | Serial No. 09/974,786 |
| | Applicant Frampton E. Ellis III | |
| | Filing Date Oct. 12, 2001 | Group 3728 |

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| | BC | 1,622,860 | 9/22/1926 | D.A. Cutler | | |
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| | BK | JP2136505 | 5/1990 | Japan | | X |
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FORM PTO-1449 Modified

Sheet 3 of 11

List of Patents and Publications
Cited by Applicant
(Use several sheets if necessary)

U.S. Department of Commerce
Patent and Trademark Office

Docket No.
ANAT-3USDIV10

Serial No.
09/974,786

Applicant
Frampton E. Ellis III

Filing Date
Oct. 12, 2001

Group
3728

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| | CB | 2,155,166 | 4/18/1939 | H.T. Kraft | | |
| | CC | 2,162,912 | 6/20/1939 | B.B. Craver | | |
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| | CM | DE1918131 | 6/1965 | Germany | X - Abstract only |
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| | Docket No. ANAT-3USDIV10 | Serial No. 09/974,786 |
| | Applicant Frampton E. Ellis III | |
| | Filing Date Oct. 12, 2001 | Group 3728 |

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| | DA | 2,433,329 | 12/30/1947 | J. Adler et al. | | |
| | DB | 2,434,770 | 1/20/1948 | W.J. Lutey | | |
| | DC | 2,470,200 | 5/17/1949 | I.D. Wallach | | |
| | DD | 55,115 | 5/11/1920 | J.E. Barney | | |
| | DE | 119,894 | 4/9/1940 | D. Sherman | | |
| | DF | 122,131 | 8/27/1940 | R.E. Sannar | | |
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| | DJ | 264,017 | 4/27/1982 | Turner | D2/309 | 310 |
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| | DM | DE2613312 | 10/1977 | Germany | X-Abstract only | |
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| | Docket No. ANAT-3USDIV10 | Serial No. 09/974,786 |
| | Applicant Frampton E. Ellis III | |
| | Filing Date Oct. 12, 2001 | Group 3728 |

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| | EC | 280,568 | 9/17/1985 | Stubblefield | D2/319 | 320 |
| | ED | 289,341 | 4/21/1987 | Turner | D2/322 | D2/319 |
| | EE | 298,684 | 11/29/1988 | Pitchford | D2/264 | 265 |
| | EF | 302,900 | 8/22/1989 | Kolman et al. | D2/264 | 265 |
| | EG | 310,131 | 8/28/1990 | Hase | D2/264 | 265 |
| | EH | 310,132 | 8/28/1990 | Hase | D2/264 | 265 |
| | EI | 310,906 | 10/2/1990 | Hase | D2/204 | 205 |
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| | EL | 327,165 | 6/23/1992 | Hatfield | D2/264 | 265 |
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| | EO | 329,739 | 9/29/1992 | Hatfield | D2/264 | 265 |
| | EP | 330,972 | 11/17/1992 | Hatfield, et al. | D2/264 | 265 |
| | EQ | 332,344 | 1/12/1993 | Hatfield, et al. | D2/264 | 265 |
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| | Docket No. ANAT-3USDIV10 | Serial No. 09/974,786 |
| | Applicant Frampton E. Ellis III | |
| | Filing Date Oct. 12, 2001 | Group 3728 |

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| | FA | 332,692 | 1/26/1993 | Hatfield, et al. | D2/319 | 320 |
| | FB | 347,105 | 5/24/1994 | Johnson | D2/896 | 897 |
| | FC | 372,114 | 7/30/1996 | Tunre et al. | D2/969 | D2/916 |
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| | FE | 409,362 | 5/11/1999 | Turner et al. | D2/902 | 951 |
| | FF | 409,826 | 5/18/1999 | Tuner et al. | D2/955 | D2/951 |
| | FG | 410,138 | 5/25/1999 | Turner et al. | D2/959 | D2/951 |
| | FH | 444,293 | 7/3/2001 | Turner et al. | D2/958 | D2/953 |
| | FI | 450,916 | 11/27/2001 | Turner et al. | D2/896 | 902 |
| Other Documents (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | |
| | FJ | Johnson et al., « A Biomechanical Approach to the Design of Football Boots », <u>Journal of Biomechanics</u> , Vol. 9, pp. 581-585 (1976) | | | | |
| | FK | Fixx, <u>The Complete Book of Running</u> , pp 134-137 1977 | | | | |
| | FL | Romika Catalog, Summer 1978 | | | | |
| | FM | adidas shoe, Model « Water Competition » 1980 | | | | |
| | FN | World Professional Squash Association Pro Tour Program, 1982-1983 | | | | |
| | FO | Williams et al., « The Mechanics of Foot Action During The GoldSwing and Implications for Shoe Design », <u>Medicine and Science in Sports and Exercise</u> , Vol. 15, No. 3, pp 247-255 1983 | | | | |
| | FP | Nigg et al., « Biomechanical Aspects of Sport Shoes and Playing Surfaces », <u>Proceedings of the International Symposium on Biomechanical Aspects of Sport Shoes and Playing Surfaces</u> , 1983 | | | | |
| | FQ | Valiant et al., « A Study of Landing from a Jump : Implications for the Design of a Basketball Shoe », <u>Scientific Program of IX Internatioanl Congress of Biomechanics</u> , 1983 | | | | |
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| FORM PTO-1449 Modified List of Patents and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office | Sheet 7 of 11 | |
| | Docket No. ANAT-3USDIV10 | Serial No. .09/974,786 |
| | Applicant Frampton E. Ellis III | |
| | Filing Date Oct. 12, 2001 | Group 3728 |

| Other Documents (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
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| Examiner Initial | | |
| | GA | Frederick, <u>Sports Shoes and Playing Surfaces. Biomechanical Properties.</u> Entire Book, 1984 |
| | GB | Saucony Spot-bilt Catalog Supplement, Spring 1985 |
| | GC | adidas shoe, Model « Fire » 1985 |
| | GD | adidas shoe, Model "Tolio H.", 1985 |
| | GE | adidas shoe, Model "Buffalo" 1985 |
| | GF | adidas shoe, Model, "Marathon" 86" 1985 |
| | GG | adidas shoe, Model « Boston Super » 1985 |
| | GH | Leuthi et al., « Influence of Shoe Construction on Lower Extremity Kinematics and Load During Lateral Movements In Tennis », <u>International Journal of Sport Biomechanics.</u> , Vol. 2, pp 166-174 1986 |
| | GI | Nigg et al., <u>Biomechanics of Running Shoes</u> , entire book, 1986 |
| | GJ | Runner's World, October 1986 |
| | GK | AVIA Catalog 1986 |
| | GL | Brooks Catalog 1986 |
| | GM | adidas Catalog 1986 |
| | GN | adidas shoe, Model « Questar », 1986 |
| | GO | adidas shoe, Model "London" 1986 |
| | GP | adidas shoe, Model « Marathon » 1986 |
| | GQ | adidas shoe, Model « Tauern » 1986 |
| | GR | adidas shoe, Model « Kingscup Indoor », 1986 |
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| FORM PTO-1449 Modified List of Patents and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office | Sheet 8 of 11 | |
| | Docket No. ANAT-3USDIV10 | Serial No. 09/974,786 |
| | Applicant Frampton E. Ellis III | |
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| Other Documents (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
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| Examiner Initial | | |
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| | HB | Nigg et al., « The Influence of Lateral Heel Flare of Running Shoes on Protraction and Impact Forces », <u>Medicine and Science in Sports and Exercise</u> , Vol. 19, No. 3, pp. 294-302 1987 |
| | HC | Nigg, « Biomechanical Analysis of Ankle and foot Movement » <u>Medicine and Sport Science</u> , Vol. 23, pp 22-29 1987 |
| | HE | Saucony Spot-bilt shoe, <u>The Complete Handbook of Athletic Footwear</u> , pp 332, 1987 |
| | HF | Puma basketball shoe, <u>The Complete Handbook of Athletic Footwear</u> , pp 315, 1987 |
| | HG | adidas shoe, Model, « Indoor Pro » 1987 |
| | HH | adidas Catalog, 1987 |
| | HI | adidas Catalog, Spring 1987 |
| | | Nike Fall Catalog 1987, pp 50-51 |
| | HK | Footwear Journal, Nike Advertisement, August 1987 |
| | HL | Sporting Goods Business, August 1987 |
| | HM | Nigg et al., "Influence of Hell Flare and Midsole Construction on Pronation" <u>International Journal of Sport Biomechanics</u> , Vol. 4, No. 3, pp 205-219, (1987) |
| | HN | Vagenas et al., « Evaluationm of Rearfoot Asymmetries in Running With Worn and New Running Shoes « , <u>International Journal of Sport Biomechanics</u> , Vol., 4, No. 4, pp 342-357 (1988) |
| | HO | Fineagan, "Comparison of the Effects of a Running Shoe and A Racing Flat on the Lower Extremity Biomechanical Alignment of Runners", <u>Journal of the American Physical Therapy Association</u> , Vol., 68, No. 5, p 806 (1988) |
| | HP | Nawoczenside et al., « Effect of Rocker Sole Design on Plantar Forefoot Pressures » <u>Journal of the American Podiatric Medical Association</u> , Vol. 79, No. 9, pp 455-460, 1988 |
| | HQ | Sprts Illustrated, Special Preview Issue, The Summer Olympics « Seoul '88 » Reebok Advertistement |
| | HR | Sports Illustrated, Nike Advertisement, August 8, 1988 |
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| | Docket No. ANAT-3USDIV10 | Serial No. 09/974,786 |
| | Applicant Frampton E. Ellis III | |
| | Filing Date Oct. 12, 2001 | Group 3728 |

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| | IA | Runner's World, "Shoe Review" November 1988 pp 46-74 |
| | IB | Footwear News, Special Supplement, February 8, 1988 |
| | IC | Footwear News, Vol. 44, No. 37, Nike Advertisement (1988) |
| | ID | Saucony Spot-bilt Catalog 1988 |
| | IE | Runner's World, April 1988 |
| | IF | Footwear News, Special Supplement, February 8, 1988 |
| | IG | Kronos Catalog, 1988 |
| | IH | Avia Fall Catalog 1988 |
| | II | Nike shoe, Model « High Jump 88 », 1988 |
| | IJ | Nike shoe, Model « Zoom Street Leather » 1988 |
| | IK | Nike shoe, Model, « Leather Cortex® », 1988 |
| | IL | Nike shoe, Model « Air Revolution » #15075, 1988 |
| | IM | Nike shoe, Model "Air Force" #1978, 1988 |
| | IN | Nike shoe, Model « Air Flow » #718, 1988 |
| | IO | Nike shoe, Model "Air" #1553, 1988 |
| | IP | Nike shoe, Model « Air », #13213 1988 |
| | IQ | Nike shoe, Model « Air », #4183, 1988 |
| | IR | Nike Catalog, Footwear Fall, 1988 |
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| | Docket No. ANAT-3USDIV10 | Serial No. 09/974,786 |
| | Applicant Frampton E. Ellis III | |
| | Filing Date Oct. 12, 2001 | Group 3728 |

| Other Documents (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
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| Examiner Initial | | |
| | JA | adidas shoe Model "Skin Racer" 1988 |
| | JB | adidas shoe, Model «Tennis Comfort » 1988 |
| | JC | adidas Catalog 1988 |
| | JD | Segesser et al., "Surfing Shoe", <u>The Shoe in Sport</u> , 1989, (Translation of a book published in Germany in 1987), pp 106-110 |
| | JE | Palamarchuk et al., "In shoe Casting Technique for Specialized Sports Shoes", <u>Journal of the American Podiatric Medical Association</u> , Vol. 79, No. 9, pp 462-465 1989 |
| | JF | Runner's World, "Spring Shoe Survey", pp 45-74 |
| | JG | Footwear News, Vol, 45, No. 5, Nike Advertisement 1989 |
| | JH | Nike Spring Catalog 1989 pp 62-63 |
| | JI | Prince Cross-Sport 1989 |
| | JJ | adidas Catalog 1989 |
| | JK | adidas Spring Catalog 1989 |
| | JL | adidas Autumn Catalog 1989 |
| | JM | Nike Shoe, men's cross-training Model "Air Trainer SC" 1989 |
| | JN | Nike shoe, men's cross-training Model « Air Trainer TW » 1989 |
| | JO | adidas shoe, Model "Torsion Grand Slam Indoor", 1989 |
| | JP | adidas shoe, Model « Torsion ZC 9020 S » 1989 |
| | JQ | adidas shoe, Model « Torison Special HI » 1989 |
| | JR | Areblad et al., « Three-Dimensional Measurement of Rearfoot Motion During Running » <u>Journal of Biomechanics</u> , Vol., 23, pp 933-940 (1990) |
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| | Docket No. ANAT-3USDIV10 | Serial No. 09/974,786 |
| | Applicant Frampton E. Ellis III | |
| | Filing Date Oct. 12, 2001 | Group 3728 |

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| | KR | |
| EXAMINER | | DATE CONSIDERED |

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| FORM PTO-1449 Modified List of Patents and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office | Sheet 1 of 1 | |
| | Docket No. ANAT-3USDIV10 | Serial No. 09/974,786 |
| | Applicant Frampton E. Ellis III | |
| | Filing Date Oct. 12, 2001 | Group 3728 |

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | Application Number | NA |
| | | Filing Date | Herewith |
| | | First Named Inventor | Ellis, III |
| | | Group Art Unit | 3728 |
| | | Examiner Name | Unknown |
| | | Atty. Docket No. | 5884.0019-03 |
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| Examiner Signature | | | Date Considered: |
| *Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. **Applicant is to place a check mark (X) here if English language translation is attached. | | | |

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | Application Number | 09/734.905 |
| | Filing Date | December 13, 2000 |
| | First Named Inventor | Ellis, III |
| | Group Art Unit | 3728 |
| | Examiner Name | Patterson |
| | Atty. Docket No. | 5884.0019-01 |

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**Examiner
Signature**

Date Considered:

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

****Applicant is to place a check mark (X) here if English language translation is attached.**

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | Application Number | UNKNOWN |
| | | Filing Date | December 12, 2000 |
| | | First Named Inventor | Frampton E. Ellis, III |
| | | Group Art Unit | 3728 |
| | | Examiner Name | M. Patterson |
| | | Atty. Docket No. | 5884.0019-01 |
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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | Application Number | UNKNOWN |
| | | Filing Date | December 12, 2000 |
| | | First Named Inventor | Frampton E. Ellis, III |
| | | Group Art Unit | 3728 |
| | | Examiner Name | M. Patterson |
| | | Atty. Docket No. | 5884.0019-01 |
| U.S. PATENT DOCUMENTS | | | |
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| Examiner Signature | | | Date Considered: |
| *Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. **Applicant is to place a check mark (X) here if English language translation is attached. | | | |

| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | Application Number | UNKNOWN |
|--|--------------------------------|--|--|
| | | Filing Date | December 12, 2000 |
| | | First Named Inventor | Frampton E. Ellis, III |
| | | Group Art Unit | 3728 |
| | | Examiner Name | M. Patterson |
| | | Atty. Docket No. | 5884.0019-01 |
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| Examiner Signature | | | Date Considered: |
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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | Application Number | UNKNOWN |
|--|--------------------------------|--|--|
| | | Filing Date | December 12, 2000 |
| | | First Named Inventor | Frampton E. Ellis, III |
| | | Group Art Unit | 3728 |
| | | Examiner Name | M. Patterson |
| | | Atty. Docket No. | 5884.0019-01 |
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| Examiner Signature | | | Date Considered: |
| * Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ** Applicant is to place a check mark (X) here if English language translation is attached. | | | |

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | Application Number | UNKNOWN | |
| | | Filing Date | December 12, 2000 | |
| | | First Named Inventor | Frampton E. Ellis, III | |
| | | Group Art Unit | 3728 | |
| | | Examiner Name | M. Patterson | |
| | | Atty. Docket No. | 5884.0019-01 | |
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| | | | | |
| Examiner Signature | | | Date Considered: | |
| *Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. **Applicant is to place a check mark (X) here if English language translation is attached. | | | | |

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|--|-----------------------------------|----------------------|--|-------------|
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| | | Filing Date | December 12, 2000 | |
| | | First Named Inventor | Frampton E. Ellis, III | |
| | | Group Art Unit | 3728 | |
| | | Examiner Name | M. Patterson | |
| | | Atty. Docket No. | 5884.0019-01 | |
| FOREIGN PATENT DOCUMENTS | | | | |
| *Examiner Initials | Foreign Patent Document Number | Country | Date of Publication of Cited Document MM-DD-YYYY | Translation |
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| Examiner Signature | | | Date Considered: | |
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| Substitute for form 1449A/PTO | | Application Number | UNKNOWN |
|--|--|----------------------|------------------------|
| | | Filing Date | December 12, 2000 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | First Named Inventor | Frampton E. Ellis, III |
| | | Group Art Unit | 3728 |
| | | Examiner Name | M. Patterson |
| (Use as many sheets as necessary) | | Atty. Docket No. | 5884.0019-01 |
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| | Ellis, III, <u>Executive Summary</u> , two pages with Figures I-VII attached. | | |
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* Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
** Applicant is to place a check mark (X) here if English language translation is attached.